

Notice of Allowability

Application No.

10/029,983

Examiner

Hung H. Lam

Applicant(s)

KAI ET AL.

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 08/07/06.
2. ☒ The allowed claim(s) is/are 1, 3-7, 10-14, 16, 17, 19-20, 34, 21, 23, 26-33 and 35 (claims are renumbered as 1-23 respectively).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Response to Amendment

1. The amendments, filed on 08/07/06, have been entered and made of record. Claims 2, 8, 9, 15, 18, 22, 24, 25 and 32 are cancelled. Claims 34 and 35 are added.

Election/Restrictions

2. The restriction requirement species 1 -9, as set forth in the Office action mailed on 06/08/05, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 6, 7 and 16, directed to species 2-9 are no longer withdrawn from consideration because claims 6, 7 and 16 depend indirectly or directly on the allowed claim 1.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Allowable Subject Matter

3. Claims 1, 3-7, 10-14, 16, 17, 19-21, 23, 26-31 and 33-35 are allowed.
4. The following is an examiner's statement of reasons for allowance:

With regarding claims 1 and 28, the prior art of record fails to teach or fairly suggest, "an image-capturing device comprising:

- an image-capturing element that converts light to an electrical signal;
- a photographic lens member that condenses subject light at the image-capturing element;
- a board on which the image-capturing element is mounted;**
- a vibration detection sensor secured to the board that detects an extent of vibration of the image-capturing device;**
- a position detector having a first member mounted on the photographic lens member and a second member mounted on the board to detect a relative position of the photographic lens member and the board;**
- an elastic member having one end thereof secured to the photographic lens member and another end thereof secured to the board; and**
- a vibration-proofing unit that moves the board and the photographic lens member relative to each other along a direction substantially perpendicular to an optical axis of the photographic lens member in conformance to outputs from the vibration detection sensor and the position detector".**

With regarding claim 21, the prior art of record fails to teach or fairly suggest, “an image-capturing device comprising:

an image-capturing element that converts light to an electrical signal;

a photographic lens member that condenses subject light at the image-capturing element;

a board on which the image-capturing element is mounted;

a vibration detection sensor secured to the board that detects an extent of vibration of the camera;

a position detector having a first member mounted on the photographic lens member and a second member mounted on the board to detect a relative position of the photographic lens member and the board;

an elastic member having one end thereof secured to the photographic lens member and another end thereof secured to the board; and

a vibration-proofing unit that moves the board and the photographic lens member relative to each other along a direction substantially perpendicular to an optical axis of the photographic lens member in conformance to outputs from the vibration detection sensor and the position detector”.

Regarding claims 3-5, 10-14, 17, 19, 23, 26-27, 29, 30, 31 and 33-35, the claims are allowed as being dependent of claims 1, 21 and 28, respectively.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

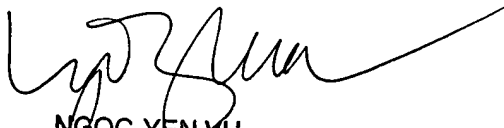
Conclusion

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance." Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung H. Lam whose telephone number is 571-272-7367. The examiner can normally be reached on Monday - Friday 8AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NGOC YEN VU can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HL
08/25/06


NGOC-YEN VU
SUPERVISORY PATENT EXAMINER